

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 30, 2007

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Malapeai, absent and formally excused by the Chair; and Senators Gannon and Schroeder, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Paden Carlson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 29, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 30, 2007

The JUDICIARY AND RULES Committee reports that **S 1055, S 1056, S 1057, S 1058, S 1059, S 1060, S 1061, S 1062, S 1063, and S 1064** have been correctly printed.

DARRINGTON, Chairman

S 1055 was referred to the Resources and Environment Committee.

S 1056 was referred to the Local Government and Taxation Committee.

S 1057, S 1058, S 1059, S 1060, and S 1061 were referred to the Judiciary and Rules Committee.

S 1062, S 1063, and S 1064 were referred to the State Affairs Committee.

January 29, 2007

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Jay Nielsen to the State Board of Correction, term to expire January 1, 2013;

Robin Sandy to the State Board of Correction, term to expire January 1, 2011.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 29, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Roy E. Decker to the Bingo-Raffle Advisory Board, term to expire January 7, 2010.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Schroeder was recorded present in this order of business.

January 29, 2007

Mr. President:

I transmit herewith **H 3, H 31, and H 33**, which have passed the House.

JUKER, Chief Clerk

H 3, H 31, and H 33 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Gannon was recorded present at this order of business.

The President announced the Resources and Environment Committee report, having been held, relative to the Gubernatorial appointment of Ernest J. Lombard was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Ernest J. Lombard as a member of the Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 101** was before the Senate for final consideration.

Moved by Senator Goedde, seconded by Senator Langhorst, that **SCR 101** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Stegner, Hill, and Cameron.

Roll call resulted as follows:

AYES--Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Andreason, Bair, Darrington, Davis, Gannon, Pearce, Richardson, Siddoway. Total - 8.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **SCR 101** adopted, title was approved, and the resolution ordered transmitted to the House.

President Pro Tempore Geddes assumed the Chair.

The President Pro Tempore announced that **SCR 102** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Jorgenson, seconded by Senator Langhorst, **SCR 102** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1065

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BAIL; AMENDING SECTION 19-2902, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO SET FORTH THE PURPOSE OF BAIL; AND AMENDING SECTION 19-2927, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE FORFEITURE OF BAIL.

S 1066

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MANSLAUGHTER; AMENDING SECTION 18-4006, IDAHO CODE, TO REVISE THE DEFINITION FOR INVOLUNTARY MANSLAUGHTER AND TO MAKE TECHNICAL CORRECTIONS.

S 1067

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 33-310, IDAHO CODE, TO REVISE SCHOOL DISTRICT CONSOLIDATION PLAN REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-310B, IDAHO CODE, TO PROVIDE FOR PAYMENT OF COST FOR FEASIBILITY STUDIES AND PLANS PER EACH SCHOOL DISTRICT THAT PROPOSES TO CONSOLIDATE; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-521, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF SCHOOL DISTRICTS NEWLY FORMED THROUGH CONSOLIDATION MAY MAKE SEVERANCE OFFERS TO EMPLOYEES AND TO PROVIDE LIMITS TO SUCH SEVERANCE OFFERS; AMENDING SECTION 33-906, IDAHO CODE, TO PROVIDE FOR AN ADJUSTMENT IN THE BOND LEVY EQUALIZATION SUPPORT PROGRAM FOR BONDS PASSED FOLLOWING CONSOLIDATION AND TO PROVIDE FOR REPAYMENT IN THE EVENT OF DECONSOLIDATION; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE AN ADJUSTMENT TO THE EDUCATIONAL SUPPORT PROGRAM FOR EMPLOYEE SEVERANCE PAYMENTS; AMENDING SECTION 33-1003, IDAHO CODE, TO PROVIDE AN ADJUSTMENT TO THE SUPPORT UNITS FOR NEW DISTRICTS FORMED BY THE CONSOLIDATION OF FORMER DISTRICTS AFTER JANUARY 1, 2007; AMENDING SECTION 33-906B, IDAHO CODE, TO PROVIDE A VALUE INDEX FACTOR FOR SUBDISTRICTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1068

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-241, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE ADDITIONAL DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS.

S 1069**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-260, IDAHO CODE, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO CERTIFY CAUSE OF DEATH, TO PROVIDE FOR REFERENCE TO THE CORONER WHEN DEATH IS DUE TO NATURAL CAUSES AND AN AUTHORIZED PERSON IS NOT AVAILABLE OR IS PHYSICALLY INCAPABLE OF SIGNING, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO SIGN CERTIFICATES OF STILLBIRTH, TO PROVIDE FOR CIRCUMSTANCES FOR REFERENCE OF STILLBIRTHS TO THE CORONER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-268, IDAHO CODE, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO AUTHORIZE FINAL DISPOSITION OF DEATHS AND STILLBIRTHS, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

S 1070**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO SOLEMNIZATION OF MARRIAGE; AMENDING SECTION 32-303, IDAHO CODE, TO PROVIDE FOR SOLEMNIZATION OF MARRIAGE BY ANY TRIBAL JUDGE OF AN IDAHO INDIAN TRIBE OR OTHER OFFICIALLY APPROVED TRIBAL OFFICIAL AND BY DESIGNATED IDAHO OFFICIALS.

S 1065, S 1066, S 1067, S 1068, S 1069, and S 1070 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 3, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 31 and **H 33**, by Energy, Environment, and Technology Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 39, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1010, by Resources and Environment Committee, was read the second time at length and filed for third reading.

H 1, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Wednesday, January 31, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary